

WP(C) 1496/1999

BEFORE

HON'BLE MR. JUSTICE HRISHIKESH ROY

Heard Mr. A Sharif, learned counsel appearing for the writ petitioner. Also heard Mr. A Sarma, learned standing counsel for the ASCARD Bank.

The petitioner, who was posted as a Junior Assistant with the ASCARD Bank challenges her termination ordered on 25.2.1999 by filing the present case. But her case came to be dismissed for default but was subsequently restored by order passed by this Court on 14.12.2009 in Misc. Case No.2887/08.

Mr. Sharif, learned counsel for the petitioner has produced a copy of this Court's order dated 29.2.2008 in W P (C) No.162/2008 (Syed Afzal Ali vs. ASCARD Bank) of a similarly terminated employee where this Court by referring to the order passed by the Supreme Court on 5.4.2007 in Civil Appeal No.1836/2007 had disposed of the said case of Syed Afzal Ali (Supra) by holding that the terminated employee of the Bank would be entitled to 50% of the arrears/ back wages instead of full back wages.

The entitlement of the petitioner to 50% of the back wages as a terminated employee of the ASCARD Bank is not disputed by Mr. Sarma, learned standing counsel appearing for the Bank.

Having regard to the above agreement, this writ petition is disposed of in similar line with a direction that the termination order dated 25.2.1999 is interfered with, with a further direction that the petitioner shall be paid 50% of the back wages due to her. This will dispose of the writ petition.